THE PORT FOLIO,

(NEW SERIES)

BY OLIVER OLDSCHOOL, ESQ.

Various;—that the mind
Of desultory man, studious of change,
And pleas'd with novelty, may be indulg'd.
COWPER.

Vol. II.] *Philadelphia, Saturday, August* 16, 1806. [No. 32.

ORIGINAL PAPERS.

For the Port Folio.

THE LAY PREACHER.

"Then certain philosophers of the Epicureans and of the Stoicks encountered him."

THIS occurred while Paul was waiting at Athens for his fellow travellers. Zealous and argumentative, he disputed daily with Jews and with devout persons, and at length in the market, *with them that met with him.* Hence, he was naturally contradicted by every way-faring infidel.

Attacked by such enemies, St. Paul, I pity thee. Compared with the sophistical jargon of their tongues, the buffetings of Satan were the soft strokes of a feather. Encountered by *Philosophers.* What a perilous meeting! To be stoned at Iconium, to die in prison at Philippi, or smart at all her whipping-posts were more tolerable than to hear one moment, the abstract impertinence, the visionary theories of a cold and closet reasoner. His head is the web of a spider, his heart is the ice of Spitzbergen, his plans are the projects of Laputa, and his arguments turbid as a hypochondriack's dream. If I should be asked which was the most unlucky adventure in Paul's pilgrimage, I must reply, this interview with the *philosophic* babblers of Athens. None of his perils, and I think he enumerates eight varieties, can compare with the peril of pragmatical philosophy. Ill-fated apostle! the Epicureans and the Stoicks, encountering you, were worse company than the barbarians of Melita, on whose rude coast you were stranded. Your night and day in the deep; your weariness and watchings; your frequent fasts, and suspension in the basket of Damascus, even if it were like Falstaff's buck-basket, were light afflictions, but for a moment, to the growl of the Stoick and the lullaby of the Epicurean.

Paul was not singular in this encounter. Personages as grave as the saint have been encountered by certain *philosophers* in the present age. Yes, they have waged war with common Sense, Morality and Religion. Thank God, they have not routed them.

Philosophic encounters are, in effect, often as bloody as the battles of Buonaparte. One Helvetius, with several associates, many years since opposed the settled opinions of the French nation. This philosophical Quixote and his atheist associates asserted, that the brain-pans of all men were of similar capacity, but some were full and others empty of *education.* Here was a rare discovery. Hence all the grades of intelligence. No such thing as a difference in the mental organization. Next, man had no soul. After vegetating a time he must die, without even a chance for immortality; without even the nine struggles of a cat. Bravo! bellowed the libertines. This is a divine doctrine. This is *philosophy.* Hawk-eyed *philosophy* did not stop here; she looked into the Bible, and saw mouldy leaves; she looked up to the skies, and saw nothing; she looked down to the earth,

and beheld fishermen, butchers, and brewers; and now was the glorious time for maudlin Philosophy to see double. They were larger than the life. They were magnified to a "*mountain*," they were citizen Directors, they were Executioners, Jacobins, Fiends. Reader of the writings of the encyclopædists, believest thou my representation to be just? I know thou believest; I am persuaded thou wilt think with me that half the evils, half the atrocities of the French revolution originated in a false, impious, and captious philosophy.

England has been infested with philosophers as well as France. You may find a minority of philosophers on many a parliamentary Journal. Sometimes they appear in the shape of street orators, and sometimes they babble from the pulpit. Newgate contains many a philosopher.

For my own part, I love to converse with poets, orators, and historians, whenever I have the happiness to meet them. But philosophers, whether they employ themselves in strangling cats in an air pump, or in sneering at received opinions, are my aversion. From Rousseau down to his last imitator, if the whole race were restrained within a mad house it would be fortunate for the tranquillity of mankind.

For the Port Folio.

THE DAY.

BY DAVID DIARY.

No. 16.

Why liv'd he not ere star-chambers had fail'd,
When fine, tax, censure, *all but law* prevail'd?

SAVAGE.

MR. DIARY,

IF, when you declared, that except in reply to my observations, you could no further listen to the subject on which I wrote, you had in view the prosecution in all its bearings, the labour of my present letter will be lost; but, if you referred only to the conduct of messieurs Madison, Dearborn and R. Smith, you will perhaps receive with satisfaction the remarks I have to offer, on certain sentiments of which this prosecution has occasioned the avowal.

That the conduct of the public servants, whatever it might have been, could afford no answer to the indictment preferred against either colonel Smith or Mr. Ogden is a self evident truth, of which it has happened to me to take notice, in the course of my former inquiry; but opinions so directly in the face of this truth, so unconstitutional, so unprincipled and so dangerous, are so loudly asserted and so triumphantly echoed, that I cannot resist the honest temptatation, to lay my hand upon the shoulder of this boisterous idiocy, and turn it, if possible, to a sense, not only of its contemptible demeanor, but of its destructive tendency.

That the letter of messieurs Madison, Dearborn and R. Smith betrays at once all the despotism that ever afflicted a people, and all the meanness of thought and language that ever disgraced a history of Miss Jenny, is an opinion which I have in some degree expressed, and which I believe that I shall never abandon; but it is one of the considerations which, in the survey of their letter and their conduct, perplexes and disgusts me, that both have been resorted to without any visible motive; without any motive that ought to have actuated, I do not say an honourable man, but a man possessed of common sense, or common information. Like the wretch who murders a traveller, for the sake of some paltry piece of silver, which he parts with again, to procure, from drink, an hour's forgetfulness of his crime, they have exchanged their reputation, and I should hope the peace of their lives, against the most trivial of gratifications, against the most insignificant and unprofitable of privileges, against a false and unavailing shelter from public animadversion, against an useless *lettre de cachet*, against a protection from evil for which only the grossest ignorance could have left them unprepared, and only the vilest pusillanimity induced them to dread. I speak decidedly of their gratification, their privilege and their dread; for, as to the matter of their letter, I was very wrong in running my pen, through what on a former occasion I had written, and hesitating to call it, what alone it ought to be called—at the best, *a plausible lie.*

For what reason was it wished to examine these gentlemen, on the trials of colonel Smith and Mr. Ogden? For this, that the acts done and charged upon the latter, were known to and approved of by the former (as they say they have reason to believe) as well while they were merely contemplated, as while they were in the course of perpetration. My leading position is, that the establishment of this fact could or ought to have been of no direct use to the defendants, and on this account; that the guilt of John is no argument, nor the crime of John no apology, for the innocence nor the offence of Peter. Suppose that the names of Jefferson, Madison, Dearborn, R. Smith, W. S. Smith and Ogden, were equally the names

of guilty men, could messieurs Ogden and Smith indulge themselves with the hope, that the four first were to be made scape-goats, through the sacrifice of whom their own pardon was to be procured? Messieurs Jefferson, Madison, Dearborn and R. Smith were doubtlessly competent to expose themselves, in their pretended connection with Miranda, to prosecution for their private, or impeachment for their public conduct; but how could or should the prosecution or impeachment of these gentlemen operate for the acquittal of messieurs Smith and Ogden? Did the latter think to save themselves, purely by the production of accomplices?

But, why were messieurs Madison, Dearborn and R. Smith so fearful of seeing themselves within the reach of the tipstaff of a court? It is true, that taking in its heaviest amount the charge preferred against them, it appears, according to the theory at least of law, to be a species of *misprision of treason;* for it is not easy to conceive a more unequivocal act of treason, than that of doing what may betray a government into a foreign war; but, have they been guilty of any such thing? or, if they have, would any tribunal of a free people have suffered them to criminate themselves? It ought to occur to us, indeed, with what a reluctance any commoner ought to enter a district where the Holy Office is established in all its terrors; where they are liable to be examined alternately as criminals and as witnesses against themselves, and where their plain understanding is refused the assistance of that experience and professional knowledge which they might look for in counsel; this I say, might occur to us, if commoners were in question; but surely Heads of Departments are too well acquainted with the courtly complaisance of the judges and attorney of New-York, to be governed by any similar consideration.

By what then were they panic struck?—Imagine them guilty, still they had a court to protect them; a great and high-minded court; a court conscious of the purple and the ermine that belongs to it, and of which no system of polity, however mean or mischievous, can deprive it; a court incapable of sullying the one or tarnishing the other; a court ashamed to suffer the abjectness of a parasite or the tremors of an inferior to mingle and contrast themselves with the majesty of its costume and appointments.—To such a court, all and every person, summoned to New-York, well knew that he was to present himself.

But, if, unhappily for the country, this had not been the case; if, in the court at New-York, a lowness of manners had proscribed a loftiness of thinking; if the judges had suffered themselves to be persuaded that they were indeed only common men; if, hourly insulted by counsel, counsel in their turn regardless of the decorum they should require, they had sunk in their own esteem, and forgotten, what nothing had aided them to remember, the sanctity of the bench; even then, even in this deplorable state of things, surely witnesses might have relied, if not upon the systematic administration of justice, at least upon their own fortitude and skill; and, little as they might understand of what constitutes right and wrong between nations, common cunning might have enabled them, in open court, to brave the assaults of those who wantonly had attempted to draw from them confessions of guilt. They might not have known (for it is an abstruse doctrine!) that to fit out an expedition against a foreign state *seems like hostility*, and that to stir the subjects of a government into rebellion, is to *try to do it harm;* but, they could not be ignorant, that to furnish evidence of their own misconduct, were to expose themselves to the halter.

But, if courage might have attended even guilty men, possessed of their own secret, to even a disorderly tribunal, how much less had the innocent to apprehend! and that messieurs Madison, Dearborn and R. Smith are innocent, there is at least no reason to deny. If the accusation contained in the Memorials were of any serious nature, there is a passage in the Examination of colonel Smith which would explain and perfectly defeat it. In the Memorials (in what words I forget) it is asserted, that as Miranda asserted (for that is all) the public servants named had said, that there was no law the provisions of which would be offended against by the acts proposed to be done. It was this *opinion*, of which I observed, that to ask it was imbecility, and to pronounce it, presumption; but, according to colonel Smith's Examination, however it might be thrown out, and however it might be relied on by Miranda and his friends, it was never seriously pronounced: 'That general Miranda told this examin-'ant, that he had freely and openly commu-'nicated his views and plans to the presi-'dent of the United States and Mr. Madi-'son, upon the subject of his return to his 'native country, and that the president and 'secretary told him, the said general Mi-'randa, that they were not yet ready to go 'to war, and could not give him any public 'aid or countenance, but that they had no 'objection, that any individual citizens of the 'United States should engage in such an en-'terprise, provided they did not thereby in-'fringe any of the laws of the United States.' I shall enter into no further public details, but state my conclusions on this preliminary argument; first, that no *illegal* participation in the conduct of messieurs Miranda, Ogden and Smith is imputable to Mr Jef-

ferson nor his colleagues; and secondly, that if it were, it could be no exculpation of the former.

Whether Mr. Jefferson or any other of the public servants have, in point fact, offended the laws, I am not finally to determine; I acquit them, upon the evidence adduced. The question on which I am at issue, with those who avow the sentiments I have stigmatised, turns on the latter of my conclusions; whether unlawfulness of conduct on the part of the public servants can justify the share taken in that unlawful conduct by private citizens?

And here, let me confess, if for nothing else, for my apology with those who are unacquainted with the American public, the utter astonishment with which I hear my understanding called upon to refute a doctrine so untenable, and among a free people so monstrous, as the one contrary to that which I maintain; for, to say, that the unlawful conduct of the public servants is to operate in exculpation of the unlawful conduct of private citizens, what is it but to set the administration above the laws, and to invest it with despotic power? For, how does despotic power maintain itself under any form of government, but through the privilege of exempting from punishment those who, to the prejudice of the laws, obey its orders, gratify its inclinations, conform to its wishes? Are we so ignorant as to suppose that there are not laws in every country? Do we imagine that they were first invented and reduced to practice in America? Do we think that they have here alone survived the wreck of time? Let us believe, and make some use of our belief, that even where there are sultans and sofis and satraps, there are laws and tribunals and tribunes and judges and cadis.—But, where is there despotism? Why, where the will or the whim or the act of the ruler can be pleaded against the letter of the statute; where, to direct the magistrate, to silence the lawyer, to appal the client, to lift the judge, bareheaded, from his humbled seat, it is sufficient to discover the ring of a sultan, the order of a vizier, or the *connivance* of the *servus servorum* of a New-found World.

And yet, there are men, in the United States, who talk of the guilt of the administration as justifying or removing that of the citizen! This is all passion. The public feelings, like those, as it is said, of Mr. Jefferson and his colleagues, are with messieurs Miranda, Ogden and Smith. It is remarkable, that this is the sole cause of the outcry against Mr. Jefferson and the rest.—Dastards, all are in love with the sin; but, if it should be followed by evil consequences, they are wonderfully willing that Mr. Jefferson, Mr. Madison, &c. should bear the blame. The same dastardy that afflicts the administration, and produced THE LETTER, afflicts the people, and produces the uproar. I say, the public feelings are with Miranda, Ogden and Smith; hence they are wounded by seeing the two latter set to the bar; hence, in the drunkenness of folly, they are ready to set up the preposterous, the alarming doctrine, that the connivance of a government is an excuse for guilt, a sufficient answer to the laws!!!

But, if the case were a little different!—If the acts of Miranda, Ogden and Smith, were not popular; if they had done that which the people disapproved; then, what would become of defendants who called for an acquittal on the ground of the connivance of government? The common places I have to advance, would then be treated as truths familiar to every child; and not, as now they will be, opposed as the last extravagance of political temerity.

And is it possible, that, in this country, where, by all parties, so much is said of liberty, it should be necessary for me to recur to the very alphabet of its theory, and to show the most ordinary land marks and boundaries of power? And yet, it is the profound ignorance of this theory, now betraying itself on this side, and now on that, that stares me continually in the face; so much easier is to talk of it or to fight for it than to understand it or preserve it; and so easy is it, under any constitution, for despotism to enter in its name! The truth is, that amid the wretched struggle of factions, nothing is thought of but the ruin of the opponent; and no man is unwilling, if an obnoxious passenger can be drowned, to sink the vessel, hull and topmast. It is thus, that amid the mutual ravings of federalists and democrats, seldom any thing discovers itself, except the vulgarity of hatred; and that each party resembles that of the Poissardes in Paris, not more in the coarseness of its language, than in the confusion of its ideas.

One of our newspapers triumphantly repeats, after the acquittal of messieurs Ogden and Smith, its observations delivered while the prosecution was pending, and which observations are no other than these: "That as the defence of the parties accused "will rest entirely on proving that they "were encouraged by the government, the "verdict must be conclusive on the point: "if convicted, it must be believed, that the "administration was entirely innocent of "any knowledge of the affair; if acquitted, "then must the whole guilt rest on them." Nor is this newspaper alone, in recognising the principle, that the defendants in these prosecutions are or might have been acquitted on account of the participation of the government in their guilt; in other words, because unlawful acts, connived at by government, cease to be unlawful; that is, to reduce the thing to its lowest terms, because

government may obey or disobey the laws at its pleasure ! ! ! Poets talk of those whose praise is fame; our politicians, of those whose connivance is innocence, whose will is law: *stat pro ratione voluntas:* that is, and I beg all constitutional American lawyers and juries to receive the maxim, *Stat pro ratione* criminis, *voluntas* præfecti. I say, American; because I am not unwilling to exclude, from all share in its benefit, every other nation under the sun!—I return again and again to facts; I re-examine my impressions; I find it difficult for myself to believe, I hesitate at asking to be believed, that, in these states, of two parties, each of whom has political liberty in its mouth, the one has set the *special signification of the president* against the subpœna of a court of law; the other, the *connivance of the president* against the laws themselves ! ! ! What with his friends and his foes, this president may soon hold up his head, among the proudest of earth's mortal gods.

But, let it not be imagined, that I am so rash or uncharitable as to be persuaded that the juries upon these trials have been weak or abandoned enough to acquit the defendants upon any such ground. Assuredly they have never adopted, in behalf of or in resentment toward particular persons, a principle which reduces laws to shadows; a principle subversive of all public justice, and ruinous of national freedom. Their verdict has certainly proceeded from the conviction, that the defendants have not done the acts charged in the indictment, or that the acts done, and charged in the indictment, are not forbidden by the law; on any other ground than one of these, they cannot have acquitted, without a breach of their oath, and a contempt of their duty, and a surrender of the main fortress of liberty.

Of the verdict of the juries, therefore, I say nothing; but, as to the public opinion of those verdicts, I think it proper to offer antidotes to what is erroneous; remembering, that by public opinion future juries may be guided, and future dangers of the state averted or called down.

Perhaps it follows too immediately from what I have said, to render it necessary for me to lay it down, that the principle so clamorously asserted by the enemies of Mr. Jefferson, is no other than that which a despotic government must rejoice to see established. It is the difficulty of procuring tools, that, as I have shown by the converse of the proposition, keeps a government obedient to the laws. By the aid of power or influence, it may always hope to protect itself, be its conduct what it may. By the bayonets of its soldiery or the blood hounds of its party, it may always expect to be preserved from personal responsibility; but if it can remove this responsibility from no citizen; if it can promise its instruments no impunity; if the highest and most puissant prince cannot secure the most faithful and most useful scoundrel in his train from the hand of the next constable, from the mittimus of the next magistrate, nor the cell of the next gaol, how is he to be despotic? and, on the other hand, what would our juries have done, had they acquitted the objects of prosecution, as soon as they found that the crimes committed had been committed in conformity with the wishes of administration? This very fact would have rendered more imperious the duty to convict. They would have seen the defendants as occupying the place of those who might be the tools of a corrupt administration; they would have suspected, that however eagerly the government might enter into the prosecution, the whole was but a disguise, and that its real object was the safety of its creatures; safety that might reward past offences and encourage more; and they would have felt themselves called upon to tell that government, that no man, when offending the laws according to its wish and connivance, should escape their rigours. Common sense, not less than common honesty, would have warned them of the toils that were spread around them; they would have suspected that all the show of persecution on the part of government might have no other object than that of raising a spirit of opposition of which it knew how to avail itself; for he is a poor statesman that cannot make as much use of his enemies as of his friends.

There is a maxim of the law in England, more frequently repeated than understood; a maxim ridiculed by shallow men, but which is one of the brightest ornaments of human wisdom, and of which the principle ought even in this country to be received and applied:—THE KING CAN DO NO WRONG. Never was there a bulwark against despotism equal to this! Into courts of law by which this maxim is acknowledged, no tool, no minion nor no dupe, can enter, with an artful or a whining story, and say, that the wrong committed has not proceeded from the individual whom it can reach, but from the government which it cannot reach. How is it possible to tie the hands and feet of a prince and his ministers so completely, as by refusing to listen to any account of his or their opinion, wishes or connivance, and declaring to the offender, that, whatever might be the wishes of others, it is for his own acts that he must answer? and how can he or they be so completely let loose upon society, as by allowing his or their opinion, wishes or connivance to be the protection of their tools, their minions or their dupes?

It is not that I here arraign that part of the American constitution by which the president is rendered personally responsible for his actions; but, I say, that the principle of the maxim, *the king can do no wrong*, ought

to be received along with the other; and, while the president is held to be personally responsible, every other man should be held to be personally responsible likewise; for if any man can plead the president's responsibility, in abatement of his own; if any man can elude punishment, by telling us to punish the president in his stead, there is an end of political freedom. I repeat it, a despotic ruler could desire nothing better than this doctrine; he would then say to those around him, *Do as I bid you, I am responsible;* and to himself he would say, *I shall be responsible,* WHEN THEY CAN MAKE ME.

The facility with which little villains are brought under the rods, and the difficulty that attends the same operation upon great ones, is one of the imperfections in the administration of justice which have been charged upon it in all ages and countries; and would any man in his senses willingly forego the security he has for that which he has not? Let us suppose, that when the present age of gold shall have passed away, it should be the misfortune of our children (though, with all sound politicians, I think it every thing but impossible) to see, in this country, and under this still more impregnable than admirable constitution, a government almost as profligate as any that exists or has existed in Europe; let us suppose, if, for a moment, we may indulge ourselves with chimeras, that a despotism may be exercised in the name of the people, as real and intolerable as a despotism exercised by or in the name of a prince; and, in this day of trouble, let us suppose, that persons, standing in the place of messieurs Ogden and Smith are charged with offence an against the laws; let us suppose that these persons convince a jury, that they have offended the laws only with the knowledge and consent and even at the desire of the president and his colleagues; let us suppose, that a jury for these reasons releases such persons from their responsibility to the laws; let us suppose, that the country taking this acquittal (as do we to-day) for proof positive against the government, calls for an impeachment; and let us suppose, that the president has so strong a party in congress as to enable him to laugh at the proposition of impeachment;—but, without limiting ourselves to hypothesis and fable, let us look again at the case immediately under our eye: the laws, it is said, have been offended; but the juries have acquitted messieurs Ogden and Smith; and, are we waiting, in the simplicity of our hearts, to see congress impeach the public servants? So then, offences may be committed, and the offenders known; but, when we are to pronounce upon the guilty, we find that the state is injured by that common pest of every man's house, that notorious NOBODY! Crimes have been committed; but juries here, and congress there, find NOBODY guilty.

I hope that I have by this time adduced enough to make it appear, that it is impossible to entertain a principle more anti-constitutional, more at war with the abstract nature of wright and wrong, and more fatal to political freedom than that on which, with the most unpardonable imputation of perjury on the men, it is attempted, for party-purposes, to make it believed that the juries have acquitted messieurs Smith and Ogden. No; those juries must have had the sense as well as the probity not to violate their oaths through spleen to an administration, or through a conviction, not that the defendants were innocent, but that others also were guilty! They must have dwelt on the comparison between the *law* and the *fact*, and not on that between the *law* and the *connivance* administration; they must have acquitted the defendants, because they were convinced, either that they have not committed the acts of which they were accused, or that those acts are not forbidden by the laws; they must have done this, because in any other case they must be perjured.

Juries are not to erect themselves into courts of equity, nor into independent legislatures. The country provides the laws, and sends defendants to juries for the trial of facts; that is, first, whether the facts be true; and secondly, whether they be *unlawful:* it does not leave juries to decide whether or not the facts really deserve punishment, but whether they be *unlawful;* the previous question it has determined itself; and, if juries pay no attention to this determination, the laws are of no use: every defendant comes before an arbitrary body of men, upon whose verdict he can calculate nothing by any reference to the laws; but who will acquit or condemn according to their own personal prejudices, or general habits of thinking. It was never the intention of the legislature, to leave a guilty man to the favour or an innocent one at the mercy of such a tribunal.

The sole question therefore on the late prosecutions respected the individual guilt or innocence of messieurs Ogden and Smith; and it is this truth with which I wish to fill every man's mind. The real or pretended guilt of certain of the public servants had nothing to do with it; all parties were responsible, and none could be made to bear the burden of the other. If on the one hand we are told that the punishment of messieurs Ogden and Smith ought not to have skreened the administration, so on the other, the punishment of the administration ought not to have skreened messieurs Ogden and Smith.

But, say those who content themselves with particular and temporary views, is it

possible to suffer an administration, first to encourage, and perhaps instigate men to guilt, and then to come into courts of law, and demand the punishment of those men! This is a specious argument, and one that has that apparent basis in natural justice which is the foundation of all popularity; so specious is it, that, though almost the whole of what I have already written bears upon its refutation, I shall be excused if, even with some repetition, I give it a direct answer. I have shown, as I believe, that to release men from their responsibility for crimes, because instigated or encouraged by an administration, is alike inconsistent, first with the abstract nature of right and wrong; secondly with the terms and meaning of a juryman's oath; and thirdly with the security of political freedom.

But, a misconception, such as absolutely amazes me, prevails with respect to the principle of these prosecutions. Here as under a monarchy, the *people* separate themselves from the *government*, and every man, for his own share, sets his face against that which is done for and by the whole. Of public spirit, and public interests, he knows nothing; his private desires are all. We are told, that these were Mr. Jefferson's prosecutions, the prosecutions of government; that government has been itself to blame; and therefore—THEREFORE the defendants were acquitted. I say, the prosecutions were the prosecutions of the state; of the people;—that the government, or, if you will, Mr. Jefferson set them on foot, and that Mr. Jefferson and the government are not themselves innocent is no part of the question. Were there grounds for the prosecution?—Was the government or was Mr. Jefferson to blame for bringing the defendants before a jury? These are the sole questions.—That Mr. Jefferson and his colleagues may deserve prosecution also, is an independent proposition.

At the bottom of all this is the extraordinary fact, that to this hour, and in this country, men do not understand the distinct existence of the political and municipal authorities of the state; of the ministers and the judges; of the cabinet and the laws!—They do not understand, that the empire of the laws is an *imperium in imperio*, to which, with respect to all domestic affairs, the government itself is subject. No; they confound the courts of justice with the government; and, such is the proneness of mankind to adopt the theory of despotism, that they have no ear to distinguish the voice of the law from the voice of the ruler. How else, would they themselves assail the laws, by sacrificing them out of resentment to the government? How else, would they conceive the force of a prosecution to be weakened, when instituted by a government, the members of which are themselves guilty? The government in prosecuting performs the part of the people; discharges the trust reposed in it by the people;—that, in other respects, the government may have misconducted itself, is quite another subject of inquiry.

I call this popular delusion extraordinary, because it is such as, were it not the natural bias of the human mind, we ought to find only among the subjects of an absolute monarchy; that is, where the prince is legislator as well as administrator. Personal considerations alone prevail; the president is regarded as every thing, the people as nothing; the offence is supposed to be personal to the president, and he is nonsuited, because, in the phrase of the bar, he does not come into court *with clean hands*.—The people, the clean-handed people, the only real prosecutor, are forgotten. The jurors chuckle in the thought, that they have outwitted the president!

And is it not the people that is the only real prosecutor? Is it not the people that has established the laws and desires to see them enforced? Is it not the people that is offended, if a crime like that charged be committed? Is it not the people that is to suffer, if that crime bring upon them the evils in contemplation of which it was rendered punishable by the laws? If a jury, thus mistaking the prosecutor, with stupid exultation should go home, and tell the people, We have cheated the president, will it not reply, That, no doubt, would have been an excellent joke; but, zounds! you have cheated *us!*—Yes, it is every citizen of the United States that has been wronged, that has had his rights surrendered, if the juries have acquitted the defendants out of spleen to the government; or if they have acquitted guilty men, because not they alone were guilty. I suppose that I shall not be believed, if I say, that there was once a countryman so cunning, that knowing his hen-roost to be infested by three foxes, he never hung either, because he could not catch all at once.

I conclude a long letter, with the firm conviction that no subject of greater importance ever employed a political pen. The principles I oppose are those of anarchy and its sure attendant, despotism. The acquittal, such as it is represented, were the despotism of a jury over the trampled rights of the nation. All substitution of will for law is despotism. I entreat the country to reconsider those principles. I entreat it to recollect, that to say, the laws shall not punish crimes which the government has allowed to be committed, is no other than to admit that government has the power to allow crimes to be committed; for, in right reasoning, the only argument must be, from the competence to allow, to the defence founded on the allowance.—

I entreat it to recollect, that the government is not the laws, nor the members of government, the people.

CONCANGIUS.

For the Port Folio.

LITERARY INTELLIGENCE.

SECOND EDITION OF THE SECRET HISTORY OF THE COURT AND CABINET OF ST. CLOUD.

The second American edition of this work is just published by Mr. Watts, and the *immediate* sale of the first edition, though perhaps unexampled in the annals of the American bookseller, was with sufficient reason anticipated. It was perceived distinctly, both from the nature of the work, and the inquisitive humour of our countrymen, that Memoirs of a Corsican adventurer and his brother buccaneers, the lives of *captain Rolando* and his gang*, together with the Secret History of *Madame* Buonaparte and her female friends, would, like the exploits of *Jonathan Wild* or *Moll Flanders*, interest readers of almost every description. This expectation has been exceeded. Within a very few days the whole of a large impression was purchased with an impatience and ardour of curiosity, such as we never remember to have witnessed before. Of the edition now issued, a considerable portion was already bespoken either by individuals or the public; and men of all parties seem resolved to look at a picture of Gallic atrocity, whatever doubts may be entertained of the pretensions of the painter.

But, let Scepticism do its worst, and let Captiousness inquire, with all her tartness, for the real name of the author of these letters, and for the evidence of the facts he describes; nothing can prevent our conclusion that, from general testimony, from historical records, from the tempers and habits of most of those, who compose the new French dynastry, or who obey its mandates, the anecdotes contained in this book are substantially true. They do, indeed, contain all the bitterness of aloes. They are a perpetual satire and invective. They exhibit Buonaparte and his associates as Milton exhibits Satan, Beelzebub and company. All the *funguses* and upstarts of an infamous revolution are exhibited by this indignant writer, not as they chuse to shew themselves on the gala day of fictitious splendor, but in colours black like their own infamy, and hideous as their own crimes. These modern Frenchmen are shewn not in the gaudy glare of their own theatric exhibition; not in harlequin robes, in tricoloured ribbons, and umbrageous plumes; but in the darkest shades of a Phantasmagoria, where every horrible shadow looks like the devil. This is perfectly right. Such hatred and such contempt should always be lavished upon men, who, forgetting the sanctity of oaths and the loyalty of subjects, forgetting every private and every public obligation, shutting their ears against the cry of the domestic charities, and hardening their hearts against every generous impulse, with the savage obstinacy of Pharoah, have persevered in the paths of error, and have displayed alternately the blood-guiltiness of the assassin, and the rapacity of the thief.

* See the immortal work of Le Sage for the *Secret History* of certain Spanish banditti; whose *moral* and political principles were not dissimilar to those of the upstarts of Ajaccio.

For the Port Folio.

MISCELLANY.

MR. OLDSCHOOL,

[On a cursory perusal of some of the poems which Mr. Moore has recently published in England, some of which might be entitled his Travels in the United States, I perceive the following note, and as a native American I blush, that an enlightened foreigner should be justified by truth in making such remarks.]

"The college of William and Mary, the only one in the state of Virginia, and the first which I saw in America, gave me but a *melancholy idea of republican seats of learning*. That *contempt for the elegancies of education* which the *American democrats affect*, is *nowhere* more *grosly conspicuous* than in Virginia. The young men, who *look to advancement, study rather to be demagogues* than politicians; and as every

thing *that distinguishes from the multitude* is supposed to be invidious and unpopular, *the levelling system* is applied to education, and has had all the effect its partizans could desire, *by producing a most extensive equality of ignorance*. The abbé Raynal, in his prophetic admonitions to the Americans, directing their attention very strongly to learned establishments, says, 'When the youth of a country are seen depraved, the nation is on the decline.' I know not what the abbé Raynal would pronounce of this nation now, were he alive to know the morals of the young students at Williamsburg. But, when he wrote, his countrymen had not yet introduced the 'doctrinam deos spernentem' into America."

For the Port Folio.

[The recent conduct of the king of Prussia towards Great-Britain, and indeed, the uniform policy pursued by the court of Berlin since the unfortunate campaign made by the duke of Brunswick, are sufficiently important, both in their principles and consequences, to arrest the attention of every man interested in the preservation of the peace and dignity of Europe. Of this northern potentate, who has always appeared to us most heartily disposed to embrace the French regicides, and to assist their machinations, we never have had but one opinion, and never have thought of him or called him by any other name whatever than that of the Royal Jacobin. The following passage from the writings of EDMUND BURKE exhibits, as in a sort of Raphael cartoon, some of the actions of this monarch, who is so false to himself and his fame. As might be expected from the artist, it is a very extraordinary and highly finished performance. The figure in the fore ground is in full light, and the colours are as vivid as the tints of the rainbow.]

"Kings have not only long arms but strong ones too. A great northern potentate, for instance, is able in one moment, and with one bold stroke of his diplomatic pen, to efface all the volumes which I could write in a century, or which the most laborious publicists of Germany ever carried to the fair of Leipsick as an apology for monarchs and monarchy. Whilst I, or any other poor, puny, private sophist was defending the declaration of Pilnitz, his majesty might refute me by the treaty of Basle. Such a monarch may destroy one republic, because it had a king at its head, and he may balance this extraordinary act by founding another republic that has cut off the head of its king. I defended that great potentate for associating in a grand alliance for the preservation of the old governments of Europe; but he puts me to silence by delivering up all those governments, his own virtually included, to the new system of France. If he is accused before the Parisian tribunal, constituted for the trial of kings for having polluted the soil of liberty by the tracks of his disciplined slaves, he clears himself by surrendering the finest parts of Germany, with a handsome cut of his own territories to the offended majesty of the regicides of France. Can I resist this? Am I responsible for it, if with a torch in his hand and a rope about his neck he makes *amende honorable* to the *Sans Culloterie* of the republic one and indivisible? In that humiliating attitude, in spite of all my protests, he may supplicate pardon for his menacing proclamations; and as an expiation to those whom he failed to terrify with his threats, he may abandon those whom he had seduced by his promises. He may sacrifice the royalists of France whom he had called to his standard, as a salutary example to those who shall adhere to their native sovereign or shall confide in any other who undertakes the cause of oppressed kings and of loyal subjects.

"How can I help it, if this high-minded prince will subscribe to the invectives which the regicides have made against all kings and particularly against himself? How can I help it, if this royal propagandist will preach the doctrine of the rights of men? Is it my fault if his professors of literature read lectures on that code in all his academies, and if all the pensioned managers of the newspapers in his dominions diffuse it throughout Europe in an hundred Journals? Can it be attributed to me if he will initiate all his grenadiers and all his hussars in these high mysteries? Am I responsible, if he will

make *le droit de l'Homme et la Souveraineté du Peuple* the favourite parole of his military orders? Now that his troops are to act with the brave legions of freedom, no doubt he will fit them for their fraternity. He will teach the Prussians to think, to feel, and to act like them, and to emulate the glories of the *Regiment de l'Echaffaut*. He will employ the illustrious citizen Santerre, the general of his new allies, to instruct the dull Germans how they shall conduct themselves towards persons, who, like Louis XVI, whose cause and person he once took into his protection, shall dare, without the sanction of the people, or with it, to consider themselves as hereditary kings. Can I arrest this great potentate in his career of glory? Am I blameable in recommending virtue and religion as the true foundation of all monarchies, because the protector of the three religions of the Westphalian arrangement, to ingratiate himself with the republic of philosophy, shall abolish all three? It is not in my power to prevent the grand patron of the reformed church, if he chuses it, from annulling the Calvinistic sabbath and establishing the decade of atheism. He may even renounce and abjure his favourite mysticism, in the Temple of Reason. In these things, at least, he is truly despotic. He has now shaken hands with every thing which at first had inspired him with horror. It would be curious indeed to see, what I shall not, however, travel so far to see, the ingenious devices, and the elegant transparencies which on the restoration of peace, and the commencement of Prussian liberty, are to decorate Potzdam and Charlottenburg *festigiante*. What shades of his armed ancestors of the house of Brandenburg will the committee of *Illuminés* raise up in the opera house of Berlin, to dance a grand ballet in the rejoicings for this auspicious event? Is it a grand master of the Teutonic order, or is it the great elector? Is it the first king of Prussia or the last? or is the whole love line, long I mean, *a parte antè*, to appear like Banquo's royal procession in the tragedy of Macbeth?

"How can I prevent all these acts of royal policy, and all these displays of royal magnificence? How can I prevent the successor of Frederic the Great from aspiring to a new, and in this age, an unexampled kind of glory? Is it in my power to say that he shall not make his confessions in the style of St. Austin or of Rousseau. That he shall not assume the character of the penitent and flagellant, and grafting monkery on philosophy strip himself of his regal purple, clothe his gigantic limbs in the sackcloth and the hair shirt, and exercise on his broad shoulders the disciplinary scourge of the holy order of the *Sans Cullotes?* It is not in me to hinder kings from making new orders of religious and martial knighthood. I am not Hercules enough to uphold those orbs, which the atlasses of the world are so desirous of shifting from their weary shoulders. What can be done against the *magnanimous resolution* of the *great*, to accomplish the degradation and the ruin of their own situation and character?"

For the Port Folio.

[A ballad, founded on some domestic incident, generally makes its way to the heart. Philosophers as well as peasants are delighted with this simple and pathetic style of composition. Walter Scott, the author of the matchless "Lay of the Last Minstrel," and *Monk* Lewis, have distinguished themselves by the writing of ballads of a peculiarly mournful and terrific character. The following was written by Mr. Moore during his visit to this country, and must interest the American reader, because the images and scenery are local. The "fire-fly lamp," the "tangled juniper," and "the copper snake breathing in the ear" of the lunatic lover, are circumstances which will not escape the attention of our readers.]

A BALLAD.

THE LAKE OF THE DISMAL SWAMP.

WRITTEN AT NORFOLK, IN VIRGINIA.

"They tell of a young man, who lost his mind upon the death of a girl he loved, and who, suddenly disappearing from his friends, was never afterwards heard of. As he had frequently said, in his ravings, that the girl was not dead, but gone to the Dismal

Swamp, it is supposed he had wandered into that dreary wilderness, and had died of hunger, or been lost in some of its dreadful morasses." ANON.

"They made her a grave, too cold and damp
"For a soul so warm and true;
"And she's gone to the Lake of the Dismal Swamp,*
"Where, all night long, by a fire-fly lamp,
"She paddles her white canoe.

"And her fire-fly lamp I soon shall see,
"And her paddle I soon shall hear;
"Long and loving our life shall be,
"And I'll hide the maid in a cypress tree,
"When the footstep of Death is near!"

Away to the Dismal Swamp he speeds—
His path was rugged and sore,
Through tangled juniper, beds of reeds,
Thro' many a fen, where the serpent feeds,
And man never trod before!

And, when on the earth he sunk to sleep,
If slumber his eyelids knew,
He lay, where the deadly vine doth weep
Its venomous tear, and nightly steep
The flesh with blistering dew!

And near him the she-wolf stirr'd the brake,
And the copper-snake breath'd in his ear,
Till he starting cried, from his dream awake,
"Oh! when shall I see the dusky Lake,
"And the white canoe of my dear?"

He saw the Lake, and a meteor bright
Quick over its surface play'd—
"Welcome," he said, "my dear-one's light!"
And the dim shore echoed, for many a night,
The name of the death-cold maid!

Till he hollow'd a boat of the birchen bark,
Which carried him off from shore;
Far he follow'd the meteor spark,
The wind was high and the clouds were dark,
And the boat return'd no more.

But oft, from the Indian hunter's camp
This lover and maid so true
Are seen at the hour of midnight damp,
To cross the Lake by a fire-fly lamp,
And paddle their white canoe!

For the Port Folio.

[In the ensuing Song of Mr. Moore, the style of its author will be readily recognized. It recals to recollection, "Take, O take those lips away, that so sweetly were forsworn."]

Take back the sigh, thy lips of art
In passion's moment breath'd to me;
Yet, no—it must not, will not part,
'Tis now the life-breath of my heart,
And has become too pure for thee!

Take back the kiss, that faithless sigh
With all the warmth of truth imprest;
Yet, no—the fatal kiss may lie,
Upon thy lip its sweets would die,
Or bloom to make a rival blest!

Take back the vows that, night and day,
My heart receiv'd, I thought, from thine;
Yet, no—allow them still to stay,
They might some other heart betray,
As sweetly as they've ruin'd mine!

For the Port Folio.

LEVITY.

[The following whimsical article appears to be a satire upon the affected virtuoso, a character, however uncommon in America, which frequently excites the wonder or provokes the ridicule of the European satirist. In one of Shadwell's forgotten plays, the character of Sir Nicholas Gimcrack will cause the reader more mirth, perhaps, than the following. In Addison's papers some exquisite sarcasms of a similar class may be found.]

CURIOSITIES FOUND IN THE HISTORICAL HERCULANEUM.

The original manuscript of Paradise Lost, in Milton's own hand writing, which is very curious, as the bard was blind.

Rabelais's easy chair, some years ago in the possession of Dean Swift, of which Pope makes very honourable mention;* lately occupied by a facetious humourist, one Laurence Sterne.

Dr. Johnson's buzz wig.

The right thumb of Charles the Twelfth, with which he used to spread his butter.

Tom Brown's tobacco stopper, and the handle of Sam Butler's ale-pot.

Erasmus's spatterdashes, which he wore in all his journeys.

The trunk hose of Sir Francis Drake; two or three stitches dropt and four buttons wanting.

A very curious frying-pan in which Pope drest his Lampreys.

The oaken towel of the Spectator's trunkmaker.

A comb for the whiskers, left as a legacy by the great Cervantes to his jailor's daughter.

* The Great Dismal Swamp is ten or twelve miles distant from Norfolk, and the Lake in the middle of it (about seven miles long) is called Drummond's Pond.

* O thou, whatever title please thine ear,
Dean, Drapier, Bickerstaff, or Gulliver;
Whether thou choose Cervantes' serious air,
Or laugh and shake in *Rabelais' easy chair.*

Tom Thumb; an heroic poem: in which it is proved that this hero was son to William the Conqueror, and the inventor of shooting ducks with a mile stone. Neatly bound in cock's combs, and illumined with tails of glow worms. Very scarce.

John Dennis's snuff-box.

A tragedy in twenty-four acts, each act containing fifty-two scenes: title lost.

Travels to the source of the Nile, which describe that river as an oyster-bed enamelled with crocodiles.

Procrustes's cupping glass; and Hector Boethius's pamphlet on salivation, printed by Cornelius Agrippa at his press in the Hebrides.

The art of Cuckold making, or Great Horn Book, to which is added a beautiful print of Helen's modesty, a rough sketch.

An essay on pickling snail-shells, Phenixes and battering rams; with instructions for preparing conserve of gunpowder and roasted bullets.

Carolan's bagpipe and Philemon Holland's nut-cracker.

The left ear of Daniel Defoe preserved in spirits of pillory.

Queen Elizabeth's under petticoat of flannel, very bare.

A piece of the walls of Babylon.

The gridiron on which Ben Johnson toasted his figs; the carving knife of Bryan Borooh; Julius Cæsar's tooth-pick, and the great toe of the witch of Endor.

VARIETY.

Variety is charming,
Constancy is not for me;
So, ladies, you have warning.

OLD BALLAD.

The Abbé de Marolles was so fond of being an author that he put the catalogue of the names of his friends and their acquaintance to press at his own expense, as he did all his works: Marolles once said to a gentleman that his verses cost him very little. They cost you as much as they are worth then, replied the other. Menage wrote on a copy of a translation of Martial's epigrams, published by Marolles, 'Epigrams *against* Martial.'

The following lines addressed by George Buchanan to his mistress, are very beautiful. Mons. Menage has happily imitated them in the Italian language:

Illa mihi semper præsenti dura Neæra
Me, quoties absum semper abesse dolet;
Non desiderio nostro, non mæret amore
Sed se non nostro posse dolore frui.

Pietà Crudele.

Chi creduto l'avrebbe
L'empia, la cruda Iole,
Del mio partir si dole
A quel finto dolore
Non ti fidar, mio core,
Non è vera pietade
Quella che mostra, nò ma crudeltade
Dell' aspro mio martire
La cruda vuol gioire
Udir la cruda i miei sospiri ardenti
E mirar vuole i dura miei tormenti.

Imitated, from the Latin.

Whilst at Anna's feet I'm kneeling,
Breathing forth my timid vows,
She, no kindred passion feeling,
Proud and scornful knits her brows.

When I seek relief in flying,
Of my absence she complains,
Not with love, but malice sighing,
That no more she sees my pains.

In his twenty-ninth ode, Anacreon, with the sensibility of a lover, complains of the indifference and coldness of his mistress, and concludes with an invective against a sordid passion. Mr. Moore has well preserved the spirit of the original:

Yes—loving is a painful thrill,
And not to love more painful still;
But surely 'tis the worst of pain,
To love, and not be lov'd again!
Affection now has fled from earth
Nor fire of Genius, light of Birth,
Nor heavenly Virtue, can beguile
From Beauty's cheek one favouring smile.
Gold is the woman's only theme,
Gold is the woman's only dream.
Oh! never be that wretch forgiven—
Forgive him not indignant heaven!
Whose grovelling eyes could first adore,
Whose heart could pant for sordid ore.
Since that devoted thirst began,
Man has forgot to feel for man;
The pulse of social life is dead,
And all its fonder feelings fled!
War too has sullied Nature's charms
For gold provokes the world to arms!
And, oh! the worst of all it art,
I feel it breaks the lover's heart.

I am at a loss whence I derived the following verses. They pleased me because I thought them more than tolerable, and because they brought to my recollection Dean SWIFT's "Ballyspellin."

Now autumn shews the careful swain
'Tis time into the golden grain
The sickle to be putting;
And, gaily in the hazel shades,
See! all the village, men and maids,
Each evening a nutting.

"Dear, dear!" cries aged Tabitha,
"Where can the girls be gone to-day?
"I cannot keep my slut in;
"Let me say whatso'er I will,
"Behold the spinning wheel stands still,
"'Tis all this plaguey nutting!"

"Zounds!" quoth the farmer, "where is is Dick?
"The night is coming on us quick,
"'Tis time the sheep were shut in;
"But I must fold 'em, I suppose,
"While that young idle rascal goes
"With Margery a nutting!"

But Polly's pocket full betrays—
"And what is that," her mother says,
"On either side so jutting;
"'Tis no use, hussey, to deny
"Or tell in vain a wicked lie,
"You know you've been a nutting."

In winter round a cheerful fire,
At eve the villagers retire,
Content some humble hut in,
And crack their nuts and reckon o'er,
How many months will be before
Again the time of nutting.

When citizens in summer, brave
The terrors of the briny wave,
The watering places glutting,
Instead of plunging in the deep,
Quere—wer't not as good and cheap,
To take a fortnight's nutting?

Would spleen and vapours take advice,
This short prescription may suffice,
"The hazel grove get but in,"
And, coming out, I'm very sure
You'll own with pleasure what a cure
Was gain'd by merely nutting.

Thrice happy grove! for thee I'd quit
The critic's region, the pit,
Or beaux in lobby strutting;
No opera, concert, masquerade,
Nor birth-night ball-room should persuade
Me *not* to go a nutting.

Oh would the parliament but grant
A sum, in dear Hyde Park to plant,
In rows the filbert cutting;
Then nearer home, we soon might rove
Through Fashion's charming hazel grove
And see all ranks—a nutting!

THE ILLITERATE CARDINAL.

Cardinal Maldachine, was equally remarkable for the inelegance of his form, and the poverty of his intellects. In his journey from Rome to Loretto, he met with a large party of Spanish, Italian and German students, who ran after his carriage, crying out, Eminentissime Cardinalis, fac nobis caritatem. Most illustrious Cardinal, bestow your charity on us. While their importunity continued, the Cardinal was busy in searching his pockets; but finding no money there suitable to his purpose, and desirous of shewing them that he understood Latin, he looked at them very graciously, and said, Non habeo caritatem: I have no charity.

An impudent beggar, on the authority of the words in the twelfth chapter of Malachi, 'Have we not all one God, one common Father,' asked alms from the emperor Maximilian, addressing him by the title of *brother*. Not satisfied with the sum given, he importuned him further. 'Go,' said Maximilian gently, 'for if all your *brothers* gave you as much as I have, you would soon be richer than I am.'

In this country, as well as in England, almost every lover of poetry and music has been enchanted by the sweetness and pathos of the favourite ballad written by ANACREON MOORE,

O lady fair, where are you roaming?
The sun is set, the night is coming.

The exquisite taste of this gentleman probably led him to model his song after an old but approved pattern. In Shakspeare's comedy of Twelfth Night, or What You Will, the clown intreated to sing by a brace of deep drinkers, demands of one of them, Would you have a *love song*, or a song *of good life?* One of them replies a love song, a love song, to which the other rejoins, in character, ay, ay, a love song, *I care not for good life.*

O mistress mine, where are you roaming?
O stay and hear; your true love's coming,
Trip no farther, pretty sweeting,
Journeys end in lovers meeting.
What is love? 'tis not hereafter;
Present mirth hath present laughter;
In delay there lies no plenty;
Then come kiss me, sweet and twenty.

The ensuing recipe for the bite of that mad dog Rebellion, is found in the Edinburgh review. In the estimation of the wisest political doctors it is an infallible remedy:—

While the *Jacobin emissaries* were making some progress among the *lower orders of the people* in St. Petersburg, Catharine had them all seized one evening, and carried to the *Lunatic asylum*, where they were *properly shaved, blistered, starved and physicked.* After fourteen days of this *wholesome regimen*, they were restored to the public view, and universally *shunned as insane.*

NEW METHOD OF MAKING PAPER.

A patent has been taken out for a new and very superior method of making paper to that which has been hitherto in use. Instead of doing the work by hand, a very simple machinery is employed, which facilitates the making of paper to an inconceivable degree. The paper is made of all dimensions. Indeed, by the aid of a continual and circular motion, imagined by the inventor, after he had first made the discovery, paper may be made of an immense size, or rather to an infinite extent. By this last improvement, too, the paper is made at a single stroke; or in other words, supposing an enormous quantity of the paste or liquid prepared and placed on one side of the machine, it will issue from the other side in the perfect form of paper, which will never end till the substance is exhausted.—[*London paper.*]

Father Adam was a Jesuit of Limousin, who was silenced afterwards for preaching against St. Austin. The Queen's mother coming out from one of his sermons, asked a courtier, who was near her, what he thought of the discourse. Madam, replied the gentleman, the sermon convinces me of the truth of the doctrine of the Preadamites. How so, says the Queen. Because, Madam, I am now certain that Father Adam is not *the first* of men.

I know by my own experience, says Lord Chesterfield, that the more one works, the more willing one is to work. We are all, more or less, *des animaux d'habitude.* I remember very well, that when I was in business, I wrote four or five hours together every day, more willingly than I should now half an hour; and this is most certain that, when a man has applied himself to business half the day, the other half goes off the more cheerfully and agreeably. This I found so forcibly when I was at the Hague, that I never tasted company so well, nor was so good company myself, as at the suppers of my post days.

The following song by M. G. Lewis Esq. is, as we are apprized by that gentleman, derived from the *French*, though the swain who figures in it appears to be a German. The thought is pretty and the measure flowing.

A wolf, while Julia slept, had made
  Her favourite lamb his prize;
Young Caspar flew to give his aid,
  Who heard the trembler's cries.
He drove the wolf from off the green,
  But claim'd a kiss for pay.
Ah! Julia, better 'twould have been,
  Had Caspar staid away.

While grateful feelings warm'd her breast,
  She own'd she loved the swain;
The youth eternal love professed,
  And kiss'd and kiss'd again.
A fonder pair was never seen;
  They lov'd the live long day:
Ah! Julia, better 'twould have been
  Had Caspar staid away.

At length, the sun his beams withdrew,
  And night inviting sleep,
Fond Julia rose and bade adieu,
  Then homewards drove her sheep.
Alas! her thoughts were chang'd, I ween,
  For thus I heard her say;
Ah! Julia, better 'twould have been,
  Had Caspar staid away,

TO READERS AND CORRESPONDENTS.

The languid style of Z. does not comport with the topic he has chosen,
He is too cold; if he should need a pin
He could not with more tame a tongue desire it.

W. should remember with Shakspeare's Isabella,
That in the *captain*'s but a choleric word,
Which in the *soldier* is flat blasphemy.

ORIGINAL POETRY.

For the Port Folio.

MR. OLDSCHOOL,

Proud of a flattering reception from you, I again presume to intrude upon your studies.

AMINTA.

THE FAIRY.

Little wandering Elfin say,
Thou who shun'st the face of day;
And by mortals sometimes seen,
Sporting o'er the moonlight green;—
Say, what art thou, little sprite,
And where hides thee, when the light
Steals upon the startled night?
Dost thou speed to haunted cells,
Wizard streams and magic dells;
Far away from mortal sight,
Where, as yet no wand'ring wight,
Plodding o'er the tell-tale ground,
Has thy mystic dwelling found?

FAIRY.

In an unknown hallow'd grove,
Where full oft the Muses rove,
Rears a sweet sequester'd bower,
Twin'd with many a flaunting flower.—
There, on beds of fragrant roses,
Many a little Elf reposes—
There we slumber out the day,
Hid from Sol's refulgent ray.
But when twilight dim's the west,
And the robin seeks her nest,
Then we leave our snug retreat,
On the accustom'd green to meet;
There to frolick, dance and play,
All the livelong night away.
Oft our little bands divide,
And on zephyr's pinions ride,—
Then sweet music fills the air,
While the clown, with vacant stare
Fearful stops, and gazing round,
Wonders whence proceeds the sound,
Then to seek the love-sick maid,
And with softest serenade
Wake her from a dream of bliss,
Just as Damon steals a kiss;
And her face with blushes glows,
While the tear of rapture flows.
Now, as soft our lutes complain,
Pleas'd she listens to the strain,
And as Love's soft power she feels,
Slyly to the window steals,
While fond Fancy paints the youth,
Full of tenderness and truth.
Then, as sudden off we fly,
And to moon-light meadows hie,
While the azure welkin rings,
And the startled robin sings.
But when morning's earliest dawn,
Glimmers o'er the dewy lawn;
Quick we bid the fields good-bye,
For our hiding place to fly.

Now I've told thee all our pranks,
Fare thee well—for on the banks
Of a chrystal purling stream,
Fondly does Titania dream;
From the evening's baleful dew,
I must shield her—so adieu.

AMINTA.

For the Port Folio.

THE MAN WITH HEART AT EASE.

Of me 'tis said—for so they please,
'There see the man with heart at ease;
'His manly breast no passions tear,
'Bright reason spreads her sunshine there;
'Not scorch'd by love's consuming flame,
'Nor wasting with some hopeless pain;
'On fame intent—with steady rein
'He curbs desire,—breaks folly's chain;
'In honour rich—no mind's disease,
'See there the man—with heart at ease.'

Ah!—how deceiv'd is *Wisdom's* gaze,
How wild she shoots across the maze—
Which love has wove within this heart,
Where griefs unnumber'd spring and smart;
This heart—once held the richest prize,
That earth could yield—or fav'ring skies;
If now her eye should pierce its gloom,
See ruins there—and peace undone;
How quick the specious tale would cease,
That told the world, 'his heart 's at ease.'

Some cruel star my youth betray'd,
To wear a yoke by folly made;
And more disastrous—led me where,
An *angel* broke the dream in air:
Oh! yet we lov'd—her breath was mine,
Her lips, and form, and mind divine;
Mysterious change! these joys are gone,
And sudden springs the bosom's thorn;
The erring world nor feels nor sees,
But idly thinks my heart at ease.

Fame's gilded car for me could shine,
And Fortune shower her golden mine;
Domestic bliss around me play,
And all the path of life seem gay;—
Oh, racking thought! the *spoiler* came,
That spectre of the sickly brain;
Proud of his victim, wing'd a dart,
And, poison'd—sent it to her heart:
Disast'rous day!—what since could please,
Or only lull this heart to ease!

Why *memory*, ever busy power,
Dost thou still dwell upon that hour—
When barb'rous *man* to pity dead,
Pluck'd from its warm and genial bed,
The fairest plant of nature's store,
And threw it cold on misery's shore:

O cease at length thy cruel skill,
And let this aching breast be still;—
To feeling lost—then if it please,
The world may say 'his heart 's at ease.'

Great God! whose love the sparrows sing,
Revive this tender bud of spring;
From *man* the dying blossom wrest,
And give it back to *nature's* breast:—
And then fond *parent*, press once more
And breath to life, *thy* favourite flower;
Retrieve her mind—her health repair,
And be my ******* all thy care:
Too late to heal my fixt disease,—
But then I'll die with heart at ease.

For the Port Folio.

From haughty Anna I presum'd
To steal a balmy kiss;
Her eye, with living fire illum'd,
Reprov'd the thrilling bliss.

As bees, delighted on the rose,
Its melting sweetness sip,
Still I imbib'd, with fond repose,
The nectar of her lip.

And, as her fragrant breath I drew,
The quick electric flame,
To every bounding fibre flew,
And agoniz'd my frame.

But, ah! my fair, with blushing face,
And half averted charms,
Sprung sudden from my fond embrace,
And fled my longing arms.

In heaven only, heavenly joy
Can unembitter'd prove,
Were it on earth, without alloy,
We'd find a heaven in love.

EPIGRAMS.

IMPARTIAL JUSTICE.

The constable of a county town,
Before a Justice brought,
Once on a time, a vagrant clown,
In petty trespass caught.

And long, with many a hum! and ha!
Much circumstance, much doubt,
Enlarg'd on some suppos'd *faux pas*,
Could he have made it out.

Then to his worship turn'd his speech
At every period's close,
And ask'd what punishment could reach
Enormities like those!

'What punishment!' with angry face,
The Justice cried amain,
'Make him this moment take my place,
'And hear your tale again!'

On a gentleman who had his pocket picked of a bad Watch.

To make your time-piece go for years you strove,
But all in vain—the wheels refused to move:
One cunning rogue took it in hand at last,
It stopt no longer—for it went at last.

Only mark how grim Codru's visage extends!
How unlike his ownself! how estrang'd from his friends!
He wore not this face, when eternally gay,
He revell'd all night and he chirrup'd all day.
Honest Codru had then, his own house at his call,
'Twas bachelor's therefore, 'twas liberty hall.
But now he has quitted possession for life,
And he *lodges* poor man, in the *house of his wife*.

REVERSE AND BE RIGHT.

In modern anarchy's reign absurd,
Whatever maggot bites the herd
The order of the day 's the word
Throughout confusion's border.

But heaven, the wise and worthy pray,
Will soon turn things another way,
And, for the *order of the day*,
Restore *the days of order*.

PROCRASTINATION.

When Sloth puts urgent business by,
To-morrow 's a new day she'll cry;
And all *her* morrows prove it true,
They're never *us'd*, and therefore *new!*

SOME CONSOLATION.

Tom with a shrew lives link'd in wedlock's fetter,
Yet let not Tom his stars too sorely curse;
As there's no hope his wife will e'er be better,
So there's no fear she ever can be worse!

The damsel too prudishly shy
Or too forward, what swain would possess;
For the one will too often deny,
And the other too soon will say yes.

Jack keeps his secrets well, or I'm deceiv'd:
For nothing he can say will be believ'd.

The Price of the Port Folio is Six Dollars per annum, to be paid in advance.

Printed and published (for the Editor) by John Watts, N. E. Corner of Second in Dock Street, Philadelphia, where former Volumes may be had.